REMARKS

This amendment is intended as a full and complete response to the non-final Office Action mailed December 19, 2002. In the Office Action, the Examiner notes that claims 1-3 are pending, of which claims 1-3 stand rejected and claims 4-8 have been added. By this amendment, claim 1 has been amended. Please cancel claim 3 without prejudice or disclaimer.

In view of both the amendments presented above and the following discussion, the Applicants submit that none of the claims now pending in the application are anticipated under the provisions of 35 U.S.C. §102 or obvious under the provisions of 35 U.S.C. §103. Thus, the Applicants believe that all of these claims are now in allowable form.

It is to be understood that the Applicants, by amending the claims, do not acquiesce to the Examiner's characterizations of the art of record or to applicants' subject matter recited in the pending claims. Further, Applicants are not acquiescing to the Examiner's statements as to the applicability of the art of record to the pending claims by filing the instant responsive amendments.

Drawings

Applicants direct the Examiner's attention to the fact that Applicants' FIG. 5 contains a typographical error. Specifically, the "memory" and the "overlay storage" are both labeled as element "576." As such, Applicants have relabeled the overlay storage as element 577 and have amended the specification as indicated above to reflect the new element number of the overlay storage. Applicants enclose herewith a corrected informal drawing of FIG. 5.

Specification

Applicants direct the Examiner's attention to the fact that Applicants have corrected various typographical errors in the specification, as indicated above. Applicants submit that these corrections add no new matter and are fully supported by the specification.

In addition, Applicants note that various portions of the specification contained underscored portions for the subsequent insertion of appropriate U.S. application serial numbers. Applicants have inserted the appropriate U.S. application serial numbers in the underscored portions.

Rejection under 35 U.S.C. §102

The Examiner rejected under 35 U.S.C. 102(e) claims 1 and 3 as being anticipated by Ludvig et al. (U.S. Patent No. 6,415,437 issued July 2, 2002) ("Ludvig"). Applicants traverse the rejection.

The Examiner rejected under 35 U.S.C. 102(e) claim 1 as being anticipated by Ludvig. Applicants traverse the rejection.

Ludvig teaches the association of sequences having a different program guide graphic ("IPG") into a single transport stream for the purpose of allowing a subscriber to scroll (i.e., view) to the commonly associated sequences without interruption of the background. Specifically, Ludvig discloses that

> "[a] plurality of such sequences are produced with each sequence having a different program guide graphic. Each sequence is encoded and then multiplexed into a transport stream such that all the encoded sequences are transmitted to a subscriber's terminal using a single transport stream. As such, the subscriber can scroll from one program guide to the next without interruption of the background or video display as the program guide graphic is changed." See Ludvig Abstract.

Ludvig does not disclose a method of grouping "elementary streams associated with related IPG pages within a common transport stream."

Applicants' claim 1 recites in pertinent part:

> "providing a plurality of transport streams;
> each transport stream in said plurality comprises at least one elementary stream representing a respective interactive program guide (IPG) page, wherein each IPG page has associated with it a respective guide portion and a common video portion; wherein,
> elementary streams associated with related IPG pages are grouped within a common transport stream."

Applicants claim 1 recites a method of providing an interactive program guide that groups elementary streams associated with related IPG pages within a common transport stream. In Applicants' recited method, each of transport stream, in a plurality of transport streams, comprises at least one elementary stream representing a

respective interactive program guide (IPG) page. Each IPG page has associated with it a respective guide portion and a common video portion. The elementary streams associated with related IPG pages are grouped within a common transport stream.

"Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim" (Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 730 F.2d 1452, 221 U.S.P.Q. 481, 485 (Fed. Cir. 1984)(citing Connell v. Sears, Roebuck & Co., 722 F.2d 1542, 220 U.S.P.Q. 193 (Fed. Cir. 1983)) (emphasis added). As indicated above, Ludvig does not teach the grouping IPG pages "in a transport stream according to at least one of a single guide portion common to each said IPG and a single video portion common to each said IPG." As such, Ludvig fails to disclose each and every element of the claimed invention.

Applicants submit that, at least for the above reasons, independent claim 1 is not anticipated by Ludvig. Therefore, Applicants request reconsideration and withdrawal of the 35 U.S.C. §102 rejection of claim 1. In addition, newly added dependent claims 4-8 (which depends from independent claim 1) contains the features of claim 1 and are also patentable at least for their dependency upon claim 1. As such, Applicants submit that claims 1 and 4-9 are in condition for allowance.

Applicants have canceled claim 3, without prejudice or disclaimer. As such, the rejection of claim 3 is moot.

Rejection under 35 U.S.C. §103

The Examiner rejected claim 2 under 35 U.S.C 103(a) as being unpatentable over Ludvig. Applicants traverse the rejection.

The explanation of Ludvig with respect to the rejection of claim 1 is also applicable with respect to the rejection of claim 2 herein. As such, and for brevity, the explanation of Ludvig will not be repeated in detail. However, Applicants direct the Examiner's attention to the fact that the purpose of Ludvig is to allow scrolling of program streams that have been associated with the same IPG. When a subscriber has come to the last program stream, a different IPG having a different set of program streams associated with it is made viewable to the subscriber. There is nothing in

Ludvig that suggests the modification of Ludvig such that "a first set of packet identifiers and a second set of packet identifiers include a common packet identifier."

Applicants' claim 2, recites in pertinent part:

> "forming a first transport stream including video packets with a first set of packet identifiers; and
> forming a second transport stream including video packets with a second set of packet identifiers,
> where the first set of packet identifiers and the second set of packet identifiers include a common packet identifier."

Applicants' claim 2 recites a method for "forming a first transport stream including video packets with a first set of packet identifiers; forming a second transport stream including video packets with a second set of packet identifiers, where the first set of packet identifiers and the second set of packet identifiers include a common packet identifier."

Moreover, the mere fact that a prior art structure could be modified to produce the claimed invention would not have made the modification obvious unless the prior art suggested the desirability of the modification. In re Fritch, 23 U.S.P.Q.2d 1780, 1783 (Fed. Cir. 1992); In re Gordon, 221 U.S.P.Q. 1125, 1127 (Fed. Cir. 1984);

At least for the above-reasons, Applicants' invention is not rendered obvious in view of Ludvig. As such, Applicants submit that claim 2 is not obvious and fully satisfies the requirements under 35 U.S.C. §103 and is patentable thereunder. Therefore, Applicants respectfully request reconsideration and withdrawal of the obviousness rejection against claim 2.

CONCLUSION

Thus, the Applicants submit that none of the claims, presently in the application, is obvious under the provisions of 35 U.S.C. §103. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall, Esq. or Frank Tolin, Esq. at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

Dated: 6/19/03

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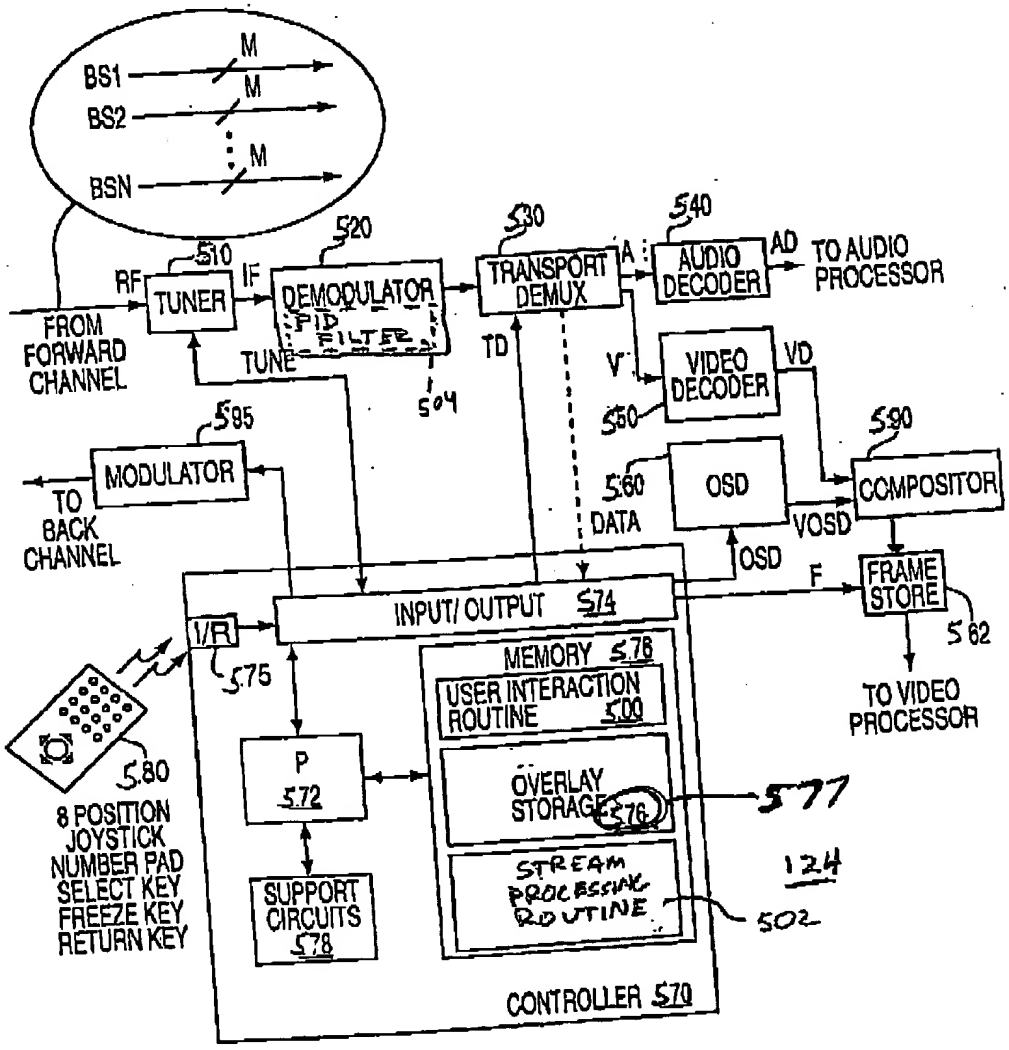
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MODULATOR
TO BACK CHANNEL
560
OSD
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COMPOSITOR
DATA
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I/R
575
MEMORY 576
USER INTERACTION ROUTINE 500
OVERLAY STORAGE 576
577
STREAM PROCESSING ROUTINE
502
124
P
572
SUPPORT CIRCUITS 578
580
8 POSITION JOYSTICK
NUMBER PAD
SELECT KEY
FREEZE KEY
RETURN KEY
CONTROLLER 570

Figure 5